

REMARKS

Claims 35 to 69 are pending in this application. Claims 1-34 have been canceled without prejudice or disclaimer. New claims 35 to 69 have been added. Support for these amendments can be found throughout the specification and claims as originally filed. Specifically, written description support for claims 35 and 37 to 41 may be found, for example, in original claims 15 and 17 to 21.

Written description support for claim 36, including paragraphs 9 to 9.6 of claim 36, may be found, for example, from original claims 15 and 16 and pages 17 and 18 of the specification. Specifically, paragraph 9 of claim 36 sets forth a -NH-C(O)-R^{15} substituent, where R^{15} is defined in paragraphs 9.1 to 9.6. Paragraph 9.6 recites that R^{15} may be "a radical selected from morpholine and pyridine wherein said radical is unsubstituted or mono- to penta- substituted" by a number of substituents, including "by $\text{-(C}_1\text{-C}_{10}\text{)-alkyl}$, wherein alkyl is unsubstituted or mono to tri- substituted independently of one another as defined under 7.1 to 7.11." Support for the " $\text{-(C}_1\text{-C}_{10}\text{)-alkyl}$ " being mono to tri- substituted independently of one another as defined under 7.1 to 7.11, is set forth in paragraph 9.1 of original claim 16; while support for the $\text{-(C}_1\text{-C}_{10}\text{)-alkyl}$ of paragraph 9.6 being "unsubstituted," can be found, for example, from the R^{15} definition of paragraph 10 of claim 15 (page 92, lines 4-5 of the specification) and the definitions of "substituted aryl" and "alkyl", found on pages 17 and 18 of the specification. Namely, the "substituted aryl" claimed in the R^{15} definition of paragraph 10 of claim 15, may be substituted by an alkyl or substituted alkyl group, as seen from the definition of "substituted aryl" on page 18. Since both "alkyl" and "substituted alkyl" are disclosed,

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

and since "alkyl" is defined as a "straight or branched chain hydrocarbon radical having 1 to 10 carbon atoms such as methyl, ethyl ..." it would be understood that the -(C₁-C₁₀)-alkyl of paragraph 9.6 may be "unsubstituted."

Written description support for claims 42 to 50 may be found, for example, on pages 18 to 24 of the originally filed specification. Written description support for claim 51 may be found, for example, on pages 22 to 24 and page 32, lines 10 to 15 of the originally filed specification. Written description support for claims 52 to 66 may be found, for example, on pages 31 to 32 of the originally filed specification. Written description support for claims 67 to 69 may be found, for example, in original claims 1, 4, and 5 and on page 32, lines 10 to 15 of the originally filed specification.

If there is any fee due in connection with the filing of this Preliminary Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 23, 2004

By: 

Matthew L. Whipple
Reg. No. 47,217

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com